



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/424,544	11/24/1999	MASUMITSU INO	SON-1582/SUG	8128

7590 11/12/2009  
RONALD P KANANEN  
RADER FISHMAN & GRAUER  
THE LION BUILDING  
1233 20TH STREET NW SUITE 501  
WASHINGTON, DC 20036

EXAMINER
----------

PIZIALI, JEFFREY J

ART UNIT	PAPER NUMBER
----------	--------------

2629

MAIL DATE	DELIVERY MODE
-----------	---------------

11/12/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09424544	11/24/99	INO ET AL.	SON-1582/SUG

RONALD P KANANEN  
RADER FISHMAN & GRAUER  
THE LION BUILDING  
1233 20TH STREET NW SUITE 501  
WASHINGTON, DC 20036

**EXAMINER**

JEFF PIZIALI

ART UNIT	PAPER
----------	-------

2629	20091109
------	----------

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The Reply Brief filed on 27 August 2009 has not been considered because it is not in compliance with 37 CFR 41.41(a).

Firstly, the 27 August 2009 Reply Brief was not filed within the non-extendable time period set in 37 CFR 41.41(a)(1).

37 C.F.R. § 41.41(a)(1) requires, "Appellant may file a reply brief to an examiner's answer within two months from the date of the examiner's answer."

The examiner's answer was mailed on 14 April 2009. The time period for filing a reply brief expired on 14 June 2009.

Secondly, the 27 August 2009 Reply Brief included a new or non-admitted amendment.

37 C.F.R. § 41.41(a)(2) requires, "A reply brief shall not include any new or non-admitted amendment, or any new or non-admitted affidavit or other evidence."

37 C.F.R. § 41.41(b) states, "A reply brief that is not in compliance with paragraph (a) of this section will not be considered. Appellant will be notified if a reply brief is not in compliance with paragraph (a) of this section."

/Jeff Piziali/  
Primary Examiner, Art Unit 2629  
9 November 2009